International Environment

Address by
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Good morning. It is pleasure to have this chance to share some thoughts about international environmental issues with colleagues in the field of environmental law.

This conference comes at a critical point in the history of the environmental protection movement. After three decades of great progress in tackling our domestic environmental problems, the bipartisan coalition behind this movement seems to be unraveling. New voices are being heard saying that the environmental gains we have made are not worth the price, that environmental threats have been overblown and are "liberal claptrap", that enforcement is not a necessary part of an environmental regulatory regime.

Fortunately, it appears that these new voices have little resonance in the nation at large. To the contrary, it seems evident that the American public remains committed to the environment, perhaps more so now than ever before. And poll after poll makes clear that Americans want more environmental protection, not less, and they are willing to pay a price to get it.

This is particularly good news for those of us dealing with international environmental issues. In this area, the problems we face are getting worse, in some cases critically so.

The concentration of greenhouse gases in the atmosphere increases year by year, a trend that will accelerate as China and other developing countries industrialize. The destruction of forests and other habitat worldwide continues almost unabated, presaging what could be the greatest extinction of species since the demise of the dinosaurs. And remote areas like the Arctic are increasingly impacted by the global transport of persistent chemicals, such as DDT, that are still used in tropical regions of the world.

In the foreign affairs community, we are committed to dealing with these threats. Secretary Christopher in a recent speech at the Kennedy School highlighted the importance of environmental issues to our foreign policy. He emphasized that the Department of State would make environmental issues a priority and he pledged to fully integrate these concerns into our full range of diplomatic efforts.

This attention to international environmental problems recognizes the fact that these issues directly affect U.S. interests and the well-being of U.S. citizens. Depletion of the ozone layer is a good example. Completion of the Montreal Protocol agreement to phase

out the use of ozone-depleting substances provides important health benefits to all Americans, reducing the risk of skin cancer and other health and environmental problems associated with increased ultraviolet radiation. This is particularly important given the troubling fact that skin cancer deaths in the United States have increased nearly 35% since 1973.

Global climate change may present an even greater direct threat to U.S. domestic interests. Sea level rise and the greater frequency of catastrophic weather events could exact a harsh toll on the U.S. economy. Even now some insurance companies are expressing concern over the potential costs of a global-warming induced increase in floods, hurricanes, and droughts, and they are reconsidering their rate structures for property insurance. Further, a general warming trend may lead to the spread of some now largely tropical diseases and to changes in agricultural patterns.

The loss of the planet's biological diversity is likewise of great concern to U.S. economic interests. U.S. farmers, for example, depend on wild strains of corn and wheat for efforts to breed in genetic traits like resistance to disease and insect pests. Should these wild strains become extinct, the U.S. food supply would be adversely affected. Equally important are the opportunity costs associated with the loss of biological sources for new drugs and other products that could improve humankind's quality of life. Access to these genetic resources is crucial to the American medical community.

We also face an emerging new threat from the use, primarily by non-OECD countries, of toxic chemicals and pesticides like DDT and PCBs that have long been banned in the U.S. and Western Europe. Because these substances are extremely persistent and are transported long distances through the air and water, they show up as residues far from their source. Data from the Arctic and the oceans shows that the concentration of these toxic chemicals in certain fish and marine mammals populations is increasing, posing concerns for human health and safety as well.

The foreign affairs community has also recognized the growing role environmental degradation plays in traditional national security interests. It seems that every year brings new evidence that environmental problems are key factors underlying many of the international conflicts and upheavals that affect U.S. security. Some examples:

- Population growth and destruction of the natural resource base in Haiti were root causes of that country's breakdown over the past decade.

- These same factors were important underpinnings of Somalia's disintegration into clan warfare, which likewise led to U.S. and international military involvement.

- Some of the most serious shortages of water — arguably mankind's most vital resource — are found in the Middle East. The progress that has been made thus far in promoting a lasting peace in the region could easily be jeopardized by a sudden conflict over scarce water reserves.

- Russia and the Newly Independent States may also experience destabilizing trends if health conditions continue to worsen as a result of the environmental abuses of the former Soviet regime.

As environmental issues have moved up the foreign policy agenda in response to these concerns, the international legal framework in this area has likewise evolved. Ten years ago there were only a few global environmental treaties in place, most of them on conservation issues. Now there are international regimes in force to deal with climate change, ozone layer depletion, hazardous wastes, Antarctica, biodiversity, and desertification. And multilateral negotiations will soon be underway on agreements to address new, emerging issues such as biosafety and the use of toxic chemicals, in particular those chemicals like DDT and PCBs that are persistent and that travel long distances through the atmosphere and oceans.

This framework of international environmental law has already produced some significant results. Depletion of the ozone layer is being slowed under the 1987 Montreal Protocol and its amendments. We are implementing a strong international regime to protect the environment of Antarctica. And an extensive set of agreements and action programs to protect the marine environment is being developed.

However, this emerging global framework may be undermined by several troubling trends. First, there is the danger that, in the effort to address important global threats, countries may give in to the pressure to adopt the outcome that has the greatest public appeal, rather than the one that makes the most environmental and economic sense. An example is that of the recent Basel Convention discussions where the Parties agreed to ban all exports of hazardous wastes from OECD to non-OECD countries, including wastes destined for recycling. The strong popular appeal of an outright ban appeared to outweigh the fact that ending the trade in wastes for recycling could increase the demand for virgin raw materials, a decidedly negative environmental impact. Nonetheless, despite the fact that the ban proposal could hinder the environmentally sound trade in scrap metal and scrap paper, most governments accepted the ban as a political expediency, hoping that they could fix the problem later by tightening the convention's definition of hazardous wastes to exclude these recyclable commodities. This tendency toward easy fixes to complex problems is not helpful and may end up undermining the credibility of our emerging environmental framework.

A second key trend is the reluctance of developing countries to take measures to address global environmental concerns because of perceptions that this will impede their short term economic growth. This is a vital issue because developing countries have a growing impact on the global environment. Most loss of biodiversity now takes place in developing countries and these nations' output of greenhouse gases, led by China's remarkable industrial growth, will soon exceed that of the industrialized world. It is thus important to find a new paradigm for cooperation between developed and developing countries—one that clearly links environmental protection and economic progress—if we are to make true, sustainable progress in addressing global threats.

Third, we are facing disturbing trends on compliance with international agreements. In

the Montreal Protocol context, where developed countries have phased out CFCs, there is now a growing illegal trade in these ozone depleting chemicals. Developed countries have made commitments to seek to limit their year 2000 greenhouse gas emissions to 1990 levels, but it is clear that some have not really made a credible effort toward this goal and many who have made significant efforts, will still fall short. A sound global regime for environmental protection cannot be sustained if commitments are treated as little more than political promises.

Finally, there are the anti-environmental undercurrents in the domestic arena that have grave implications for our global efforts. The international environmental agenda is a particular target for an emerging ideology that seems to have a visceral problem with the concepts of multilateral cooperation and environmental protection. This is particularly troubling because the United States cannot protect its domestic and national security interests in the global environmental arena through unilateral actions; we need — even as a matter of self -interest — to cooperate and work with the rest of the world. Furthermore, U.S. withdrawal from international processes will exact a high economic cost. Already, we are not in a position to defend U.S. biotechnology interests in negotiations on a biosafety protocol under the biodiversity convention which we have not ratified, or to ensure the continuation of the environmentally sound trade in scrap metal and paper for recycling under the Basel convention, which we have also not ratified.

We cannot simply turn our back on these global threats and expect them to go away. Yet that is clearly what is implied by the effort to de-fund U.S. environmental protection programs, both domestic and international. Efforts to slash the U.S. global change research program are particularly symbolic of what appears to be a preference to remain ignorant of global environmental threats, rather than to better understand the nature of what could well become the gravest problem humankind has every faced. Because the United States is expected to be a world leader and to show others the way, it is critical that we remain firmly committed to sound, pragmatic efforts to protect the global environment and secure vital American interests.

The job for this year — and perhaps this decade — is to make a convincing case to the public that international solutions are necessary and desirable, and that our security cannot be protected without them. The existing framework of treaties and agreements keeps growing because the underlying problems continue to require internationally-accepted solutions. Every year brings a new dimension to this legal framework, as seen in the new negotiations that will begin this year on toxic chemicals and biosafety, new issues that can only be addressed through coordinated global actions.

What is clear is that the international environmental infrastructure we have today has already provided incalculable benefits to the United States and humankind (who can, after all, place a dollar value on the ozone layer?). We must continue to build on this infrastructure and to make continued progress in dealing with global environmental issues. To do less would be to deny ourselves the possibility of living in a cleaner, safer world.